IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 28103 of 2006(U)

PETITIONER:

M/S. RELIANCE COMMUNICATION,
A & P ARCADE, SAHODARAN AYYAPPAN ROAD,
KADAVANTHARA, REPRESENTED BY ITS CIRCLE MANAGER
(LEGAL) AND AUTHORISED SIGNATORY V.K.SAJITH.

BY ADV. SRI.V.G.ARUN

RESPONDENTS:

---

1. THE VELLANADU GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY.

2.THE SECRETARY,
VELLANADU GRAMA PANCHAYAT,
THIRUVANANTHAPURAM-695 543.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.A.S.SABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

- -

W.P.(C)No.28103 of 2006

- -

Dated: 28th March, 2007

JUDGMENT

In this Writ Petition a mobile telephone company seeks quashment of Ext.P7 order issued by the 1st respondent-Panchayat rejecting Ext.P6 application for permission submitted by the petitioner seeking installation of a mobile telephone tower on the ground of complaints from the general public.

2. Heard Mr.V.G.Arun, counsel for the petitioner and Mr.Nagaraj Narayanan, counsel for the Panchayat.

3. Mr.Arun submitted that since the Kerala Municipality Building Rules have not been adopted in the respondent-Panchayat the only rule which shall be required to be complied with by the petitioner in the matter of construction of the tower is Rule 220B. I notice that the ground on which Ext.P7 order has been issued by the Panchayat is opposition from general public obviously on the ground of health hazards due to radiation from the mobile phone tower. Ext.P7, according to me, is liable to be quashed on the reasons stated by the Division Bench judgment of this court in **Reliance Infocom Ltd. v. Chemanchery Grama Panchayat** (2006(4) KLT 695) and by myself in judgments already rendered in similar cases. In fact the Atomic Energy Regulatory Board also through an affidavit submitted

before the Bombay High Court has made it clear that the apprehension that there will be radiation from the mobile towers resulting in health in hazards is not at all rational. The World Health Organisation also adopted the same stand through its report which I had occasion to consider in many other similar cases. Accordingly, Ext.P7 will stand quashed and there will be a direction to the Panchayat to issue the permission applied for under Ext.P6 to the petitioner within two weeks of the petitioner producing a copy of this judgment. The Panchayat will not be influenced by the mass protest referred to in Ext.P7. The Panchayat will insist only for statutory requirements, if any, in the matter.

The Writ Petition will stand disposed of as above.

srd **PIUS C.KURIAKOSE, JUDGE**